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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/083,013 | 02/26/2002 | Kazunobu Fujiwara | PW 0277041 H7625US | 4298 |

7590 04/12/2005

Pillsbury Winthrop LLP
Intellectual Property Group
Suite 2800
725 South Figueroa Street
Los Angeles, CA 90017-5406

| EXAMINER | |
|---|---|
| GIESY, ADAM | |
| **ART UNIT** | **PAPER NUMBER** |
| 2651 | |

DATE MAILED: 04/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/083,013 | FUJIWARA ET AL. | |
| | Examiner | Art Unit | |
| | Adam R. Giesy | 2651 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *26 February 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-5* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *26 February 2002* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## hDETAILED ACTION

### *Drawings*

1. Figure 6 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shim (US Pat. No. 5,970,208) in view of Tsukihashi (US Pat. No. 5,802,026).

Regarding claim 1, Shim discloses a medium reader (Figures 1-2); a first buffer memory for buffering the data read by the medium reader (element 330); a first controller for controlling the medium reader and controlling reading and writing of the first buffer memory (503); a second buffer memory for buffering data transferred from the first buffer memory (260); a DA converter which receives digital data from the second buffer memory and converts the data into analog audio signals (element 800); and a second controller for controlling reading and writing

of the second buffer memory (element 506), wherein the first controller and second controller are connected via an interface (see arrow from element 503 to element 506 labeled 'TRANSFER' - Figure 2). Shim does not disclose that the medium reader is for reading-out digital audio data at a speed faster than the audio data reproducing rate from a medium into which the data has been recorded.

Tsukihashi discloses a medium reader in which has an increased data transfer rate from which the optical medium was recorded at (see column 2, lines 15-32).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the medium reader as disclosed by Shim with the reading capability as disclosed by Tsukihashi, the motivation being in order to allow for faster access of the data on the recorded medium.

Regarding claim 2, Shim and Tsukihashi disclose all of the limitations of claim 1 as discussed in the claim 1 rejection above and further, wherein the medium reader, first buffer memory, and first controller are constructed as a single unit (as noted in Figure 1 and column 1, lines 7-11, all of the components of Shim are constructed together to make a reproducing device).

Regarding claim 3, Shim and Tsukihashi disclose all of the limitations of claim 1 as discussed in the claim 1 rejection above and further, Shim discloses a reader wherein a third controller (Figure 1, element 500 - microcomputer) for controlling a user interface is provided separately from the second controller (element 500 is separate from element 200).

Regarding claim 4, Shim and Tsukihashi disclose all of the limitations of claim 1 as discussed in the claim 1 rejection above and further, Shim discloses that the medium into which

the digital audio data has been recorded is a compact disk (see column 1, lines 15-20, a DVD is a "compact disk").

Regarding claim 5, Shim discloses a medium reader (Figures 1-2); a first buffer memory for buffering the data read by the medium reader (element 330); a first controller for controlling the medium reader and controlling reading and writing of the first buffer memory (503); a second buffer memory for buffering data transferred from the first buffer memory (260); a DA converter which receives digital data from the second buffer memory and converts the data into analog audio signals for normal speed reproduction (element 800); and a second controller for controlling reading and writing of the second buffer memory (element 506), wherein the first controller and second controller are connected via an interface (see arrow from element 503 to element 506 labeled 'TRANSFER' - Figure 2) and data transfer between the first buffer memory and second buffer memory is intermittently performed (this is inherent as the memory from the first buffer will not be put into the second buffer until it is 'descrambled' as disclosed – see column 1, lines 51-55). Shim does not disclose that the medium reader is for reading-out digital audio data at a speed faster than the audio data normal reproducing rate.

Tsukihashi discloses a medium reader in which has an increased data transfer rate from which the optical medium was recorded at (see column 2, lines 15-32).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the medium reader as disclosed by Shim with the reading capability as disclosed by Tsukihashi, the motivation being in order to allow for faster access of the data on the recorded medium.

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Yamada et al. (US Pat. No. 5,502,703) discloses an optical disc reproducing device that uses multiple memory buffers and a DA converter to reproduce audio from a digital signal that can be read from a CD.

b. Hayashi (US Pat. No. 6,587,411 B2) discloses a signal processing circuit as used in an optical media reader that uses RAM, controllers, and a DA converter to reproduce digital audio signals from CDs.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam R. Giesy whose telephone number is (571) 272-7555. The examiner can normally be reached on 8:00am- 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ARG 4/7/2005

DAVID HUDSPETH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600